

House Bill 541 (AS PASSED HOUSE AND SENATE)

By: Representative Jackson of the 142nd

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Tennille; to provide for incorporation, boundaries,
2 and powers of the city; to provide for a governing authority of such city and the powers,
3 duties, authority, election, terms, vacancies, compensation, expenses, qualifications,
4 prohibitions, conflicts of interest, and suspension and removal from office relative to
5 members of such governing authority; to provide for inquiries and investigations; to provide
6 for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for
7 ordinances and codes; to provide for a mayor and a mayor pro tempore and certain duties,
8 powers, and other matters relative thereto; to provide for administrative affairs and
9 responsibilities; to provide for boards, commissions, and authorities; to provide for a city
10 attorney, a city clerk, and other personnel and matters relating thereto; to provide for rules
11 and regulations; to provide for a municipal court and the judge or judges thereof and other
12 matters relative to those judges; to provide for the court's jurisdiction, powers, practices, and
13 procedures; to provide for the right of certiorari; to provide for elections; to provide for
14 taxation, licenses, and fees; to provide for franchises, service charges, and assessments; to
15 provide for bonded and other indebtedness; to provide for auditing, accounting, budgeting,
16 and appropriations; to provide for city contracts and purchasing; to provide for the
17 conveyance of property; to provide for bonds for officials; to provide for prior ordinances
18 and rules, pending matters, and existing personnel; to provide for penalties; to provide for
19 definitions and construction; to provide for other matters relative to the foregoing; to repeal
20 a specific Act; to repeal conflicting laws; and for other purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I

INCORPORATION AND POWERS

SECTION 1.10.

Name.

This city and the inhabitants thereof are constituted and declared a body politic and corporate under the name and style City of Tennille, Georgia, and by that name shall have perpetual succession.

SECTION 1.11.

Corporate boundaries.

(a) The boundaries of this city shall be those existing on the effective date of the adoption of this charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of this city at all times shall be shown on a map, a written description, or any combination thereof, to be retained permanently at City Hall and to be designated, as the case may be: "Official Map or Description of the Corporate Limits of the City of Tennille, Georgia." Photographic, typed, or other copies of such map or description certified by the mayor shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.

(b) The city council may provide for the redrawing of any such map by ordinance to reflect lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes the entire map or maps which it is designated to replace.

SECTION 1.12.

Powers and construction.

(a) The city shall have all powers possible for a city to have under the present or future Constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter. The city shall have all the powers of self-government not otherwise prohibited by this charter or by general law.

(b) The powers of the city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of the city.

SECTION 1.13.

Specific Power.

(1) Animal regulations. To regulate and license or to prohibit the keeping or running at large of animals and fowl and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted under this charter;

(2) Alcoholic beverages. To regulate the sale of all distilled spirits, wines, malt beverages, and other alcoholic beverages; and to pass such ordinances touching on said matter as they may deem proper, that are not inconsistent with the laws of this state or of the United States.

(3) Appropriations and expenditures. To make appropriations for the support of the government of the city; to authorize the expenditure of money for any purposes authorized by this charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of the city;

(4) Building regulation. To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air-conditioning codes; and to regulate all housing and building trades;

(5) Business regulation and taxation. To levy and to provide for collection of regulatory fees and taxes on privileges, occupations, trades, and professions as authorized by Title 48 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted; to permit and regulate the same; to provide for the manner and method of payment of such regulatory fees and taxes; and to revoke such permits after due process for failure to pay any city taxes or fees;

(6) Condemnation. To condemn property, inside or outside the corporate limits of the city, for present or future use and for any corporate purpose deemed necessary by the governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. or such other applicable laws as are now or may hereafter be enacted;

(7) Contracts. To enter into contracts and agreements with other governmental entities and with private persons, firms, and corporations;

(8) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists within or outside the city and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the citizens of the city;

(9) Environmental protection. To protect and preserve the natural resources, environment, and vital areas of the state through the preservation and improvement of air

quality, the restoration and maintenance of water resources, the control of erosion and sedimentation, the management of solid and hazardous waste, and other necessary actions for the protection of the environment;

(10) Fire regulations. To fix and establish fire limits and from time to time to extend, enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with general law, relating to both fire prevention and detection and to fire fighting; and to prescribe penalties and punishment for violations thereof;

(11) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection and disposal and other sanitary service charge, tax, or fee for such services as may be necessary in the operation of the city from all individuals, firms, and corporations residing in or doing business in the city benefiting from such services; to enforce the payment of such charges, taxes, or fees; and to provide for the manner and method of collecting such service charges;

(12) General health, safety, and welfare. To define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city and to provide for the enforcement of such standards;

(13) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any purpose related to powers and duties of the city and the general welfare of its citizens, on such terms and conditions as the donor or grantor may impose;

(14) Health and sanitation. To prescribe standards of health and sanitation and to provide for the enforcement of such standards;

(15) Jail sentences. To provide that persons given jail sentences in the municipal court may work out such sentences in any public works or on the streets, roads, drains, and other public property in the city; to provide for commitment of such persons to any jail; or to provide for commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;

(16) Motor vehicles. To regulate the operation of motor vehicles and exercise control over all traffic, including parking upon or across the streets, roads, alleys, and walkways of the city;

(17) Municipal agencies and delegation of power. To create, alter, or abolish departments, boards, offices, commissions, and agencies of the city and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;

(18) Municipal debts. To appropriate and borrow money for the payment of debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized by this charter or the laws of the State of Georgia;

(19) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city;

(20) Municipal property protection. To provide for the preservation and protection of property and equipment of the city and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof;

(21) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including but not limited to a system of waterworks, sewers and drains, sewage disposal, gas works, electric light plants, cable television and other telecommunications, transportation facilities, public airports, and any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and to provide for the withdrawal of service for refusal or failure to pay the same;

(22) Nuisance. To define a nuisance and provide for its abatement whether on public or private property;

(23) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the authority of this charter and the laws of the State of Georgia;

(24) Planning and land development regulation. To provide comprehensive planning for growth and development within the city by preparing comprehensive, special area, transportation, capital facility, recreation and other similar planning documents; and by adopting and applying land development financing, regulation and incentive programs such as zoning, subdivision regulation, historic preservation districts, impact fees, community or business improvement districts, transfer of development rights, and the like as the city council deems necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;

(25) Police and fire protection. To exercise the power of arrest through duly appointed police officers and to establish, operate, or contract for a police and a fire-fighting agency;

(26) Public hazards; removal. To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public;

(27) Public improvements. To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks and playgrounds, public grounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, other public utilities, public housing, airports, hospitals, terminals, docks, parking facilities, and charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities; and to provide any other public improvements, inside or outside the corporate limits of the city; to regulate

the use of public improvements; and, for such purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A. or such other applicable laws as are now or may hereafter be enacted;

(28) Public peace. To provide for the prevention and punishment of drunkenness, riots, and public disturbances;

(29) Public transportation. To organize and operate, or to contract for the operation of such public transportation systems as are deemed beneficial;

(30) Public utilities and services. To grant franchises or make contracts for or impose taxes on public utilities and public service companies and to prescribe the rates, fares, regulations, and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Georgia Public Service Commission;

(31) Regulation of roadside areas. To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent to the rights of way of streets and roads or within view thereof, within or abutting the corporate limits of the city; and to prescribe penalties and punishment for violation of such ordinances;

(32) Retirement. To provide and maintain a retirement plan for officers and employees of the city;

(33) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the city; and to grant franchises and rights of way throughout the streets and roads and over the bridges and viaducts for the use of public utilities; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

(34) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining, and extending of a sewage disposal plant and sewerage system and to levy on those to whom sewers and sewerage systems are made available a sewer service fee, charge, or sewer tax for the availability or use of the sewers; to provide for the manner and method of collecting such service charges and for enforcing payment of the same; and to charge, impose, and collect a sewer connection fee or fees to those connected with the system;

(35) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish, and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other recyclable materials and to provide for the sale of such items;

(36) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops, the manufacture, sale, or transportation of any intoxicating liquors, and the use of firearms; to regulate the transportation, storage, and use of combustible, explosive, and inflammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit professional fortunetelling, palmistry, adult bookstores, and massage parlors;

(37) Special assessments. To levy and provide for the collection of special assessments to cover the costs for any public improvements;

(38) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation;

(39) Taxes: other. To levy and collect such other taxes as may be allowed now or in the future by law;

(40) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to regulate the parking of such vehicles;

(41) Urban redevelopment. To organize and operate an urban redevelopment program; and

(42) Other powers. To exercise and enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the city and its inhabitants; and to exercise all implied powers necessary or desirable to carry into execution all powers granted in this charter as fully and completely as if such powers were fully stated in this charter; and to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia; and no listing of particular powers in this charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

SECTION 1.14.

Exercise of powers.

All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or employees shall be carried into execution as provided by this charter. If this charter makes

233 no provision, such shall be carried into execution as provided by ordinance or as provided
234 by pertinent laws of the State of Georgia.

235 **ARTICLE II**

236 **GOVERNMENT STRUCTURE**

237 **SECTION 2.10.**

238 City council creation; number; election districts.

239 (a) The legislative authority of the government of this city, except as otherwise specifically
240 provided in this charter, shall be vested in a city council to be composed of a mayor and six
241 councilmembers. The city council established in this charter shall in all respects be a
242 successor to and continuation of the city governing authority under prior law. The mayor and
243 councilmembers shall be elected in the manner provided by this charter.

244 (b) For the purposes of electing members of the city council, the city shall be divided into
245 three districts, each containing two posts, identified as "Post 1" and "Post 2," respectively,
246 which may be filled according to the procedures provided in Section 5.11 of this charter.

247 (c) City council districts shall consist of that territory within the City of Tennille contained
248 in the description of the districts attached to this Act as Appendix A, and as hereafter
249 amended by the city council by ordinance to accommodate reapportionment in conformance
250 with Chapter 35 of Title 36 of the O.C.G.A.

251 **SECTION 2.11.**

252 City councilmembers;
253 terms and qualifications for office.

254 (a) The members of the city council shall serve for terms of four years and until their
255 respective successors are elected and qualified.

256 (b) No person shall be eligible to serve as councilmember unless that person shall have been
257 a resident of the city for 12 months prior to the date of the election of councilmembers; each
258 shall continue to reside therein during that person's period of service and to be registered and
259 qualified to vote in municipal elections of this city.

260 **SECTION 2.12.**

261 Vacancy; filling of vacancies.

262 (a) Vacancies—The office of mayor or councilmember shall become vacant upon such
263 person's failing or ceasing to reside in the city or upon the occurrence of any event specified

by the Constitution, Title 45 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

(b) Filling of vacancies—A vacancy in the office of mayor or councilmember shall be filled for the remainder of the unexpired term, if any, by appointment if less than 12 months remain in the unexpired term, otherwise by an election as provided for in Section 5.14 of this charter and Titles 21 and 45 of the O.C.G.A. or such other laws as are or may hereafter be enacted.

(c) Applicability—The provisions of subsection (b) of this section shall apply, without limitation, to temporary vacancies created by the suspension from office of the mayor or any councilmember.

SECTION 2.13.

Compensation and expenses.

The city council may determine by ordinance the annual salary of the mayor and councilmembers. The mayor and councilmembers may receive their actual and necessary expenses incurred in the performance of their duties of office.

SECTION 2.14.

Holding other offices; voting when financially interested.

(a) Fiduciary capacity— Elected and appointed officers of the city are trustees and servants of the residents of the city and shall act in a fiduciary capacity for the benefit of such residents.

(b) Conflict of interest—No elected official, appointed officer, or employee of the city or any agency or political entity to which this charter applies shall knowingly:

(1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of that person's official duties or which would tend to impair the independence of that person's judgment or action in the performance of that person's official duties;

(2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of that person's official duties or would tend to impair the independence of that person's judgment or action in the performance of that person's official duties;

(3) Disclose confidential information, including information obtained at meetings which are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property, government, or affairs of the governmental body by which that person is engaged without

proper legal authorization or use such information to advance the financial or other private interest of that person or others;

(4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to that person's knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the governmental body by which that person is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;

(5) Represent other private interests in any action or proceeding against this city or any portion of its government; or

(6) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which that person has a financial interest.

(c) Disclosure—Any elected official, appointed officer, or employee who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such interest to the city council. The mayor or any councilmember who has a financial interest in any matter pending before the city council shall disclose such interest and such disclosure shall be entered on the records of the city council, and that person shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this charter applies who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such interest to the governing body of such agency or entity.

(d) Use of public property—No elected official, appointed officer, or employee of the city or any agency or entity to which this charter applies shall use property owned by such governmental entity for personal benefit, convenience, or profit except in accordance with policies promulgated by the city council or the governing body of such agency or entity.

(e) Contracts voidable and rescindable—Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render such contract or sale voidable at the option of the city council.

(f) Ineligibility of elected official—Except where authorized by law, neither the mayor nor any councilmember shall hold any other elective or compensated appointive office in the city or otherwise be employed by said government or any agency thereof during the term for which that person was elected. No former councilmember and no former mayor shall hold any compensated appointive office in the city until one year after the expiration of the term for which that person was elected.

(g) Political activities of certain officers and employees—No appointed officer and no employee of the city shall continue in such employment upon qualifying as a candidate for

nomination or election to any public office. No employee of the city shall continue in such employment upon election to any public office in this city or any other public office which is inconsistent, incompatible, or in conflict with the duties of the city employee. Such determination shall be made by the mayor and the council either immediately upon election or at any time such conflict may arise.

(h) Penalties for violation—

(1) Any city officer or employee who knowingly conceals such financial interest or knowingly violates any of the requirements of this section shall be guilty of malfeasance in office or position and shall be deemed to have forfeited that person's office or position.

(2) Any officer or employee of the city who shall forfeit that person's office or position as described in paragraph (1) of this subsection shall be ineligible for appointment or election to or employment in a position in the city government for a period of three years thereafter.

SECTION 2.15.

Inquiries and investigations.

Following the adoption of an authorizing resolution, the city council may make inquiries and investigations into the affairs of the city and conduct of any department, office, or agency thereof and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the city council shall be punished as may be provided by ordinance.

SECTION 2.16.

General power and authority of the city council.

(a) Except as otherwise provided by law or this charter, the city council shall be vested with all the powers of government of this city.

(b) In addition to all other powers conferred upon it by law, the city council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, rules, and regulations, not inconsistent with this charter and the Constitution and the laws of the state of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life or property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City of Tennille and may enforce such ordinances by imposing penalties for violation thereof.

SECTION 2.17.

Eminent domain.

The city council is empowered to acquire, construct, operate, and maintain public ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports, hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities, and any other public improvements inside or outside the city and to regulate the use thereof and, for such purposes, property may be condemned under procedures established under general law applicable now or as provided in the future.

SECTION 2.18.

Organizational meetings.

The city council shall hold an organizational meeting on the first Monday in January following each general municipal election. The meeting shall be called to order by the city clerk and the oath of office shall be administered to the newly elected members as follows: "I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor) (councilmember) of this city and that I will support and defend the charter thereof as well as the Constitution and laws of the State of Georgia and of the United States of America."

SECTION 2.19.

Regular and special meetings.

(a) The city council shall hold regular meetings at such times and places as shall be prescribed by ordinance.

(b) Special meetings of the city council may be held on call of the mayor or four members of the city council. Notice of such special meetings shall be served on all other members personally, or by telephone personally, at least 24 hours in advance of the meeting. Such notice to councilmembers shall not be required if the mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember in writing before or after such a meeting and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such councilmember's presence. Only the business stated in the call may be transacted at the special meeting.

397 (c) All meetings of the city council shall be public to the extent required by law and notice
398 to the public of special meetings shall be made as fully as is reasonably possible as provided
399 by Code Section 50-14-1 of the O.C.G.A., or other such applicable laws as are now or may
400 hereafter be enacted.

401 **SECTION 2.20.**

402 Rules of procedure.

403 (a) The city council shall adopt its rules of procedure and order of business consistent with
404 the provisions of this charter and shall provide for keeping of a journal of its proceedings,
405 which shall be a public record.
406 (b) All committees and committee chairpersons and officers of the city council shall be
407 chosen by a vote of the councilmembers.

408 **SECTION 2.21.**

409 Quorum; voting.

410 (a) Four councilmembers shall constitute a quorum and shall be authorized to transact
411 business of the city council. Voting on the adoption of ordinances shall be by voice vote and
412 the vote shall be recorded in the journal, but any member of the city council shall have the
413 right to request a roll-call vote and such vote shall be recorded in the journal. Except as
414 otherwise provided in this charter, the affirmative vote of four councilmembers shall be
415 required for the adoption of any ordinance, resolution, or motion.
416 (b) An abstention noted on the record shall be counted as a negative vote.
417 (c) The mayor shall have no vote upon the adoption of ordinances or resolutions except in
418 the case of a tie, in which case the mayor's vote shall be recorded in the same manner as if
419 cast by a councilmember. This provision shall also be applicable for purposes of adopting
420 emergency ordinances as established in Section 2.24 of this charter.

421 **SECTION 2.22.**

422 Ordinance and resolution form; procedures.

423 (a) Every proposed ordinance should be introduced in writing and in the form required for
424 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
425 enacting clause shall be "It is hereby ordained by the governing authority of the City of
426 Tennille..." and every ordinance shall so begin.

427 (b) An ordinance may be introduced by any councilmember and be read at a regular or
428 special meeting of the city council. Ordinances shall be considered and adopted or rejected
429 by the city council in accordance with the rules which it shall establish; provided, however,
430 an ordinance shall not be adopted the same day it is introduced, except for emergency
431 ordinances provided for in Section 2.24 of this charter. Upon introduction of any ordinance,
432 the clerk shall as soon as possible distribute a copy to the mayor and to each councilmember
433 and shall file a reasonable number of copies in the office of the clerk and at such other public
434 places as the city council may designate.

435 **SECTION 2.23.**

436 Action requiring an ordinance.

437 Acts of the city council which have the force and effect of law shall be enacted by ordinance.

438 **SECTION 2.24.**

439 Emergencies.

440 (a) To meet a public emergency affecting life, health, property, or public peace, the city
441 council may convene on call of the mayor or four councilmembers and may promptly adopt
442 an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
443 franchise; regulate the rate charged by any public utility for its services; or authorize the
444 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
445 shall be introduced in the form prescribed for ordinances generally, except that it shall be
446 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
447 a declaration stating that an emergency exists and describing the emergency in clear and
448 specific terms. An emergency ordinance may be adopted, with or without amendment, or
449 rejected at the meeting at which it is introduced, but the affirmative vote of at least four
450 councilmembers shall be required for adoption. It shall become effective upon adoption or
451 at such later time as it may specify. Every emergency ordinance shall automatically stand
452 repealed 30 days following the date upon which it was adopted, but this shall not prevent
453 reenactment of the ordinance in the manner specified in this section if the emergency still
454 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
455 in the same manner specified in this section for adoption of emergency ordinances.

456 (b) Such meetings shall be open to the public to the extent required by law and notice to the
457 public of emergency meetings shall be made as fully as is reasonably possible in accordance
458 with Code Section 50-14-1 of the O.C.G.A. or such other applicable laws as are or may
459 hereafter be enacted.

SECTION 2.25.

Codes of technical regulations.

(a) The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that: (1) the requirements of subsection (b) of Section 2.22 of this charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.26 of this charter.

(b) Copies of any adopted code of technical regulations shall be made available by the clerk for inspection by the public.

SECTION 2.26.

Signing; authenticating;
recording; codification; printing.

(a) The clerk shall authenticate by the clerk's signature and record in full in a properly indexed book kept for that purpose all ordinances adopted by the city council.

(b) In accordance with Section 7.11 of this charter, the city council shall provide for the preparation of a general codification of all the ordinances of the city having the force and effect of law. The general codification shall be adopted by the city council by ordinance and shall be published promptly, together with all amendments thereto and such codes of technical regulations and other rules and regulations as the city council may specify. This compilation shall be known and cited officially as "The Code of the City of Tennille, Georgia." Copies of the code shall be furnished to all officers, departments, and agencies of the city and made available for purchase by the public at a reasonable price as fixed by the city council.

(c) The city council shall cause each ordinance and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances and charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the city council. Following publication of the first code under this charter and at all times thereafter, the ordinances and charter amendments shall be printed in substantially the same style as the code codified in conformance with Sections 2.26 and 7.11 of this charter and shall be suitable in form for incorporation therein. The city council shall make such further arrangements as

493 deemed desirable with reproduction and distribution of any current changes in or additions
494 to codes of technical regulations and other rules and regulations included in the code.

495 **SECTION 2.27.**

496 Election of mayor; forfeiture; compensation.

497 The mayor shall be elected and shall serve for a term of four years and until the mayor's
498 successor is elected and qualified. The mayor shall be a qualified elector of this city and
499 shall have been a resident of the city for 12 months prior to the election. The mayor shall
500 continue to reside in this city during the period of the mayor's service. The mayor shall forfeit
501 the office of mayor on the same grounds and under the same procedure as for
502 councilmembers. The compensation of the mayor shall be established in the same manner
503 as for councilmembers.

504 **SECTION 2.28.**

505 Mayor pro tempore; selection; duties.

506 By a majority vote, the councilmembers shall elect a councilmember to serve as mayor pro
507 tempore. Election of the mayor pro tempore shall occur at each organizational meeting of
508 the city council as established in Section 2.18 of this charter. The mayor pro tempore shall
509 assume the duties and powers of the mayor during the mayor's physical or mental disability
510 or absence. Any such disability or absence shall be declared by a majority vote of the
511 councilmembers. The mayor pro tempore shall sign all contracts and ordinances in which
512 the mayor has a disqualifying financial interest as provided in Section 2.14 of this charter.

513 **SECTION 2.29.**

514 Powers and duties of mayor.

515 The mayor shall:

- 516 (1) Preside at all meetings of the city council;
517 (2) Be the head of the city for the purpose of service of process and for ceremonial
518 purposes and be the official spokesperson for the city and the chief advocate of policy;
519 (3) Have the power to administer oaths and to take affidavits;
520 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
521 ordinances, and other instruments executed by the city which by law are required to be
522 in writing;

- (5) Vote on matters before the city council and be counted toward a quorum as any other councilmember;
- (6) Prepare and submit to the city council a recommended annual operating budget and recommended capital budget;
- (7) Fulfill such other executive and administrative duties as the city council shall by ordinance establish;
- (8) Suspend all appointed officers and department heads of the city as provided in Section 3.10(e) of this charter;
- (9) Recommend to the city council such measures relative to the affairs of the city, improvement of the government, and promotion of the welfare of its inhabitants as the mayor may deem expedient; and
- (10) Perform other such duties as may be required by law, this charter, or by ordinance.

SECTION 2.30.

Limitation on terms of service.

There shall be no limitation on the number of terms that a mayor may serve as mayor of the City of Tennille.

SECTION 2.31.

Submission of ordinances to the mayor.

- (a) Every ordinance adopted by the city council shall be presented promptly by the clerk to the mayor.
- (b) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the city clerk with or without the mayor's approval or with the mayor's disapproval. If the ordinance has been approved by the mayor, it shall become law upon its return to the city clerk; if the ordinance is neither approved nor disapproved, it shall become law at 12:00 Noon on the tenth calendar day after its adoption; if the ordinance is disapproved, the mayor shall submit to the councilmembers through the city clerk a written statement of the reasons for the veto. The city clerk shall record upon the ordinance the date of its delivery to and receipt from the mayor.

551 ARTICLE III
552 ADMINISTRATIVE AFFAIRS

553 SECTION 3.10.

554 Administrative and service departments.

555 (a) Except as otherwise provided in this charter, the city council by ordinance shall prescribe
556 the functions or duties and establish, abolish, alter, consolidate, or leave vacant all
557 nonelective offices, positions of employment, departments, and agencies of the city as
558 necessary for the proper administration of the affairs and government of this city.

559 (b) Except as otherwise provided by this charter or by law, the directors of departments and
560 other appointed officers of the city shall be appointed solely on the basis of their respective
561 administrative and professional qualifications.

562 (c) All appointed officers and directors of departments shall receive such compensation as
563 prescribed by ordinance.

564 (d) There shall be a director of each department or agency who shall be its principal officer.
565 Each director shall, subject to the direction and supervision of the mayor, be responsible for
566 the administration and direction of the affairs and operations of that director's department or
567 agency.

568 (e) All appointed officers and directors under the supervision of the mayor shall be
569 nominated by the mayor with confirmation of appointment by the city council. All appointed
570 officers and directors shall be employees at will and subject to removal or suspension at any
571 time by the mayor unless otherwise provided by law or ordinance. In exercising their
572 authority to suspend appointed officers and directors, the mayor shall report to the city
573 council at their next meeting that fact of the suspension, the reasons therefor, and the city
574 council shall vote upon the question of whether the officer shall remain suspended, or be
575 removed, reassigned, or terminated from office.

576 SECTION 3.11.

577 Boards, commissions, and authorities.

578 (a) The city council shall create by ordinance such boards, commissions, and authorities to
579 fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems
580 necessary and shall by ordinance establish the composition, period of existence, duties, and
581 powers thereof.

582 (b) All members of boards, commissions, and authorities of the city shall be appointed by
583 the city council for such terms of office and in such manner as shall be provided by

ordinance, except where other appointing authority, terms of office, or manner of appointment is prescribed by this charter or by law.

(c) The city council by ordinance may provide for the compensation and reimbursement for actual and necessary expenses of the members of any board, commission, or authority.

(d) Except as otherwise provided by charter or by law, no member of any board, commission, or authority shall hold any elective office in the city.

(e) Any vacancy on a board, commission, or authority of the city shall be filled for the unexpired term in the manner prescribed in this charter for original appointment, except as otherwise provided by this charter or by law.

(f) No member of a board, commission, or authority shall assume office until that person has executed and filed with the clerk of the city an oath obligating that person to perform faithfully and impartially the duties of that person's office, such oath shall be prescribed by ordinance and administered by the mayor.

(g) All members of boards, commissions, or authorities of the city serve at will and may be removed at any time by a vote of four councilmembers unless otherwise provided by law.

(h) Except as otherwise provided by this charter or by law, each board, commission, or authority of the city shall elect one of its members as chairperson and one member as vice chairperson and may elect as its secretary one of its own members or may appoint as secretary an employee of the city. Each board, commission, or authority of the city government may establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with the clerk of the city.

SECTION 3.12.

City attorney.

Subject to nomination by the mayor under Section 3.10(e) of this charter, the mayor and city council shall appoint a city attorney, together with such assistant city attorneys as may be authorized, and shall provide for the payment of such attorney or attorneys for services rendered to the city. The city attorney shall be responsible for providing for the representation and defense of the city in all litigation in which the city is a party; may be the prosecuting officer in the municipal court; shall attend the meetings of the city council as directed; shall advise the city council, mayor, and other officers and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required by virtue of such person's position as city attorney.

SECTION 3.13.

City clerk.

Subject to nomination by the mayor under Section 3.10(e) of this charter, the mayor and city council shall appoint a city clerk who shall not be a councilmember. The city clerk shall be custodian of the official city seal and city records; maintain city council records required by this charter; and perform such other duties as may be required by the city council. The city council shall provide for the compensation of the city clerk.

SECTION 3.14.

Position classification and pay plans.

The mayor shall be responsible for the preparation of a position classification and pay plan which shall be submitted to the city council for approval. Such plan may apply to all employees of the city and any of its agencies, departments, boards, commissions, or authorities. When a pay plan has been adopted, the city council shall not increase or decrease the salary range applicable to any position except by amendment of such pay plan. For purposes of this section, all elected and appointed city officials are not city employees.

SECTION 3.15.

Personnel policies.

All employees serve at will and may be removed from office at any time unless otherwise provided by ordinance.

ARTICLE IV**JUDICIAL BRANCH****SECTION 4.10.**

Creation; name.

There shall be a court to be known as the Municipal Court of the City of Tennille.

SECTION 4.11.

Chief judge; associate judge.

(a) The municipal court shall be presided over by a chief judge and such part-time, full-time, or stand-by judges as shall be provided by ordinance.

(b) No person shall be qualified or eligible to serve as a judge on the municipal court unless that person shall have attained the age of 21 years and shall be a member of the State Bar of Georgia and shall possess all qualifications required by law. All judges shall be appointed by the city council and shall serve until a successor is appointed and qualified.

(c) Compensation of the judges shall be fixed by ordinance.

(d) Judges serve at will and may be removed from office at any time by the city council unless otherwise provided by ordinance.

(e) Before assuming office, each judge shall take an oath, given by the mayor, that such judge will honestly and faithfully discharge the duties of the judge's office to the best of the judge's ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council journal required in Section 2.20 of this charter.

SECTION 4.12.

Convening.

The municipal court shall be convened at regular intervals as provided by ordinance.

SECTION 4.13.

Jurisdiction; powers.

(a) The municipal court shall try and punish violations of this charter, all city ordinances, and such other violations as provided by law.

(b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$200.00 or ten days in jail.

(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$2,500.00 or imprisonment for 14 days or both such fine and imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing, as now or hereafter provided by law.

(d) The municipal court shall have authority to establish a schedule of fees to defray the cost of operation and shall be entitled to reimbursement of the cost of meals, transportation, and caretaking of prisoners bound over to superior courts for violations of state law.

(e) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before such court and shall have discretionary authority to accept cash or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall give bail for that person's appearance and shall fail to appear at the time fixed for trial, that person's bond shall be forfeited by the judge presiding at such time and an execution issued thereon by serving the defendant and

679 the defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi.
680 In the event that cash or property is accepted in lieu of bond for security for the appearance
681 of a defendant at trial, and if such defendant fails to appear at the time and place fixed for
682 trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the
683 property so deposited shall have a lien against it for the value forfeited which lien shall be
684 enforceable in the same manner and to the same extent as a lien for city property taxes.
685 (f) The municipal court shall have the same authority as superior courts to compel the
686 production of evidence in the possession of any party; to enforce obedience to its orders,
687 judgments, and sentences; and to administer such oaths as are necessary.
688 (g) The municipal court may compel the presence of all parties necessary to a proper
689 disposal of each case by the issuance of summonses, subpoenas, and warrants which may be
690 served as executed by any officer as authorized by this charter or by law.
691 (h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of
692 persons charged with offenses against any ordinance of the city, and each judge of the
693 municipal court shall have the same authority as a magistrate of the state to issue warrants
694 for offenses against state laws committed within the city.

695 **SECTION 4.14.**

696 **Certiorari.**

697 The right of certiorari from the decision and judgment of the municipal court shall exist in
698 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
699 the sanction of a judge of the Superior Court of Washington County under the laws of the
700 State of Georgia regulating the granting and issuance of writs of certiorari.

701 **SECTION 4.15.**

702 **Rules for court.**

703 With the approval of the city council, the judge shall have full power and authority to make
704 reasonable rules and regulations necessary and proper to secure the efficient and successful
705 administration of the municipal court; provided, however, that the city council may adopt in
706 part or in toto the rules and regulations applicable to municipal courts. The rules and
707 regulations made or adopted shall be filed with the city clerk, shall be available for public
708 inspection, and, upon request, a copy shall be furnished to all defendants in municipal court
709 proceedings at least 48 hours prior to such proceedings.

710 ARTICLE V
711 ELECTIONS AND REMOVAL
712 SECTION 5.10.
713 Applicability of general law.

714 All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title
715 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

716 SECTION 5.11.
717 Regular elections; time for holding.

718 (a) There shall be a municipal general election quadrennially in odd-numbered years on the
719 Tuesday next following the first Monday in November, with the first such election being held
720 on the applicable calendar date in 2009 and in every subsequent four-year interval.
721 (b) The mayor and councilmembers who are in office on the effective date of this Act shall
722 serve until the expiration of the term of office to which they were elected and until their
723 successors are elected and qualified.
724 (c) At the first municipal general election to be held following the adoption of this Act, the
725 mayor and all councilmembers representing each election district and post as established in
726 Section 2.10(b) of this charter shall be elected to serve a four-year term.
727 (d) The terms of office for the duly elected mayor and councilmembers shall begin at the
728 organizational meeting provided in Section 2.18 of this charter.

729 SECTION 5.12.
730 Nonpartisan elections.

731 Political parties shall not conduct primaries for city offices and all names of candidates for
732 city offices shall be listed without party designations.

733 SECTION 5.13.
734 Election by majority.

735 The person receiving a minimum of 50 percent of the votes cast for any city office, plus one
736 additional vote, shall be elected for the applicable office.

SECTION 5.14.

Special elections; vacancies.

In the event that the office of mayor or councilmember shall become vacant as provided in Section 2.12(a) of this charter, the city council or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, if such vacancy occurs within 12 months of the expiration of the term of that office, the city council or those members remaining shall appoint a successor for the remainder of the term. In all other respects, the special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

SECTION 5.15.

Other provisions.

Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe such rules and regulations as it deems appropriate to fulfill any options and duties under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

SECTION 5.16.

Removal of officers.

(a) A councilmember, the mayor, or other appointed officers provided for in this charter shall be removed from office for any one or more of the causes provided in Title 45 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted.

(b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished by one of the following methods:

(1) Following a hearing at which an impartial panel shall render a decision. In the event an elected officer is sought to be removed by the action of the city council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten days after the service of such written notice. The city council shall provide by ordinance for the manner in which such hearings shall be held. Any elected officer sought to be removed from office as provided in this section shall have the right of appeal from the decision of the city council to the Superior Court of Washington County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court; or

(2) By an order of the Superior Court of Washington County following a hearing on a complaint seeking such removal brought by any resident of the City of Tennille.

769 ARTICLE VI
770 FINANCE
771 **SECTION 6.10.**
772 Property tax.

773 The city council may assess, levy, and collect an ad valorem tax on all real and personal
774 property within the corporate limits of the city that is subject to such taxation by the state and
775 county. This tax is for the purpose of raising revenues to defray the costs of operating the
776 city government, of providing governmental services, for the repayment of principal and
777 interest on general obligations, and for any other public purpose as determined by the city
778 council in its discretion.

779 **SECTION 6.11.**
780 Millage rate; due dates; payment methods.

781 The city council by ordinance shall establish a millage rate for the city property tax, a due
782 date, and the time period within which these taxes must be paid. The city council by
783 ordinance may provide for the payment of these taxes by installments or in one lump sum,
784 as well as authorize the voluntary payment of taxes prior to the time when due.

785 **SECTION 6.12.**
786 Occupation and business taxes.

787 The city council by ordinance shall have the power to levy such occupation or business taxes
788 as are not denied by law. The city council may classify businesses, occupations, or
789 professions for the purpose of such taxation in any way which may be lawful and may
790 compel the payment of such taxes as provided in Section 6.18 of this charter.

791 **SECTION 6.13.**
792 Regulatory fees; permits.

793 The city council by ordinance shall have the power to require businesses or practitioners
794 doing business in this city to obtain a permit for such activity from the city and pay a
795 regulatory fee for such permit as provided by general law. Such fees shall reflect the total
796 cost to the city of regulating the activity and, if unpaid, shall be collected as provided in
797 Section 6.18 of this charter.

SECTION 6.14.

Franchises.

(a) The city council shall have the power to grant franchises for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies, and other similar organizations. The city council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, no franchise shall be granted for a period in excess of 35 years and no franchise shall be granted unless the city receives just and adequate compensation therefor. The city council shall provide for the registration of all franchises with the city clerk in a registration book kept by the city clerk. The city council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

(b) If no franchise agreement is in effect, the city council has the authority to impose a tax on gross receipts for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies, and other similar organizations.

SECTION 6.15.

Service charges; user fees.

The city council by ordinance shall have the power to assess and collect fees, charges, and tolls for sewers, sanitary and health services, or any other services provided or made available within and outside the corporate limits of the city for the total cost to the city of providing or making available such services. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

SECTION 6.16.

Special assessments.

The city council by ordinance shall have the power to assess and collect the cost of constructing, reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property owners under such terms and conditions as are reasonable. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

830 **SECTION 6.17.**

831 Construction; other taxes.

832 This city shall be empowered to levy any other tax or fee allowed now or hereafter by law,
833 and the specific mention of any right, power, or authority in this article shall not be construed
834 as limiting in any way the general powers of this city to govern its local affairs.

835 **SECTION 6.18.**

836 Collection of delinquent taxes and fees.

837 The city council by ordinance may provide generally for the collection of delinquent taxes,
838 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by
839 whatever reasonable means as are not precluded by law. This shall include providing for the
840 dates when the taxes or fees are due; late penalties or interest; issuance and execution of
841 fi. fas.; creation and priority of liens; making delinquent taxes and fees personal debts of the
842 persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any
843 city taxes or fees; and providing for the assignment or transfer of tax executions.

844 **SECTION 6.19.**

845 General obligation bonds.

846 The city council shall have the power to issue bonds for the purpose of raising revenue to
847 carry out any project, program, or venture authorized under this charter or the laws of the
848 state. Such bonding authority shall be exercised in accordance with the laws governing bond
849 issuance by municipalities in effect at the time such issue is undertaken.

850 **SECTION 6.20.**

851 Revenue bonds.

852 Revenue bonds may be issued by the city council as state law now or hereafter provides.
853 Such bonds are to be paid out of any revenue produced by the project, program, or venture
854 for which they were issued.

855 **SECTION 6.21.**

856 Short-term loans.

857 The city may obtain short-term loans and must repay such loans not later than December 31
858 of each year, unless otherwise provided by law.

SECTION 6.22.

Lease-purchase contracts.

The city may enter into multiyear lease, purchase, or lease-purchase contracts for the acquisition of goods, materials, real and personal property, services, and supplies, provided the contract terminates without further obligation on the part of the municipality at the close of the calendar year in which it was executed and at the close of each succeeding calendar year for which it may be renewed. Contracts must be executed in accordance with the requirements of Code Section 36-60-13 of the O.C.G.A., or other such applicable laws as are or may hereafter be enacted.

SECTION 6.23.

Fiscal year.

The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department, agency, and activity of the city government.

SECTION 6.24.

Preparation of budget.

The city council shall provide an ordinance on the procedures and requirements for the preparation and execution of an annual operating budget, a capital improvement plan, and a capital budget, including requirements as to the scope, content, and form of such budgets and plans.

SECTION 6.25.

Submission of operating budget to city council.

On or before a date fixed by the city council but not later than 60 days prior to the beginning of each fiscal year, the mayor shall submit to the city council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other pertinent comments and information. The operating budget, the capital improvements budget, the budget message, and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

889

SECTION 6.26.

890

Action by city council on budget.

891

(a) The city council may amend the operating budget proposed by the mayor, except that the budget as finally amended and adopted must provide for all expenditures required by state law or by other provisions of this charter and for all debt service requirements for the ensuing fiscal year. The total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues.

896

(b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal year not later than June 30 of each year. If the city council fails to adopt the budget by said date, the amounts appropriated for operation for the then current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly, until such time as the city council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget preparation ordinance adopted pursuant to Section 6.24 of this charter.

905

(c) The amount set out in the adopted operating budget for each organizational unit shall constitute the annual appropriation for such, and no expenditure shall be made or encumbrance created in excess of the otherwise unencumbered balance of the appropriations or allotment thereof to which it is chargeable.

909

SECTION 6.27.

910

Levy of taxes.

911

The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates set by such ordinance shall be such that reasonable estimates of revenues from such levy shall at least be sufficient, together with other anticipated revenues, fund balances, and applicable reserves, to equal the total amount appropriated for each of the several funds set forth in the annual operating budget for defraying the expenses of the general government of this city.

917

SECTION 6.28.

918

Changes in appropriations.

919

The city council by ordinance may make changes in the appropriations contained in the current operating budget at any regular meeting or special or emergency meeting called for

921 such purpose, but any additional appropriations may be made only from an existing
922 unexpended surplus.

923 **SECTION 6.29.**

924 Capital budget.

925 (a) On or before the date fixed by the city council, but not later than 60 days prior to the
926 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital
927 improvements plan with a recommended capital budget containing the means of financing
928 the improvements proposed for the ensuing fiscal year. The city council shall have power
929 to accept, with or without amendments, or reject the proposed plan and budget. The city
930 council shall not authorize an expenditure for the construction of any building, structure,
931 work, or improvement unless the appropriations for such project are included in the capital
932 budget, except to meet a public emergency as provided in Section 2.24 of this charter.

933 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
934 year not later than June 30 of each year. No appropriation provided for in a prior capital
935 budget shall lapse until the purpose for which the appropriation was made shall have been
936 accomplished or abandoned; provided, however, the mayor may submit amendments to the
937 capital budget at any time during the fiscal year, accompanied by recommendations. Any
938 such amendments to the capital budget shall become effective only upon adoption by
939 ordinance.

940 **SECTION 6.30.**

941 Independent audit.

942 There shall be an annual independent audit of all city accounts, funds, and financial
943 transactions by a certified public accountant selected by the city council. The audit shall be
944 conducted according to generally accepted auditing principles. Any audit of any funds by
945 the state or federal governments may be accepted as satisfying the requirements of this
946 charter. Copies of annual audit reports shall be available at printing costs to the public.

947 **SECTION 6.31.**

948 Contracting procedures.

949 No contract with the city shall be binding on the city unless:

- 950 (1) It is in writing;
- 951 (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of
- 952 course, is signed by the city attorney to indicate such drafting or review; and
- 953 (3) It is made or authorized by the city council and such approval is entered in the city
- 954 council journal of proceedings pursuant to Section 2.20 of this charter.

955 **SECTION 6.32.**

956 Centralized purchasing.

957 The city council shall by ordinance prescribe procedures for a system of centralized

958 purchasing for the city.

959 **SECTION 6.33.**

960 Sale and lease of city property.

- 961 (a) The city council may sell and convey or lease any real or personal property owned or
- 962 held by the city for governmental or other purposes as now or hereafter provided by law.
- 963 (b) The city council may quitclaim any rights it may have in property not needed for public
- 964 purposes upon report by the mayor and adoption of a resolution, both finding that the
- 965 property is not needed for public or other purposes and that the interest of the city has no
- 966 readily ascertainable monetary value.
- 967 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
- 968 of the city a small parcel or tract of land is cut off or separated by such work from a larger
- 969 tract or boundary of land owned by the city, the city council may authorize the mayor to sell
- 970 and convey said cut-off or separated parcel or tract of land to an abutting or adjoining
- 971 property owner or owners where such sale and conveyance facilitates the highest and best
- 972 use of the abutting owner's property. Included in the sales contract shall be a provision for
- 973 the rights of way of said street, avenue, alley, or public place. Each abutting property owner
- 974 shall be notified of the availability of the property and given the opportunity to purchase said
- 975 property under such terms and conditions as set out by ordinance. All deeds and
- 976 conveyances heretofore and hereafter so executed and delivered shall convey all title and
- 977 interest the city has in such property, notwithstanding the fact that no public sale after
- 978 advertisement was or is hereafter made.

979 ARTICLE VII
980 GENERAL PROVISIONS
981 **SECTION 7.10.**
982 Bonds for officials.

983 The officers and employees of this city, both elected and appointed, shall execute such surety
984 or fidelity bonds in such amounts and upon such terms and conditions as the city council
985 shall from time to time require by ordinance or as may be provided by law.

986 **SECTION 7.11.**
987 Existing ordinances,
988 resolutions, rules, and regulations.

989 Existing ordinances, resolutions, rules, and regulations of this city not in conflict with this
990 charter shall continue in force, unless repealed or amended, for two years from the effective
991 date of this charter. During such two-year period, the city council shall review all such
992 provisions and shall readopt, repeal, or amend each, so that a codification as provided by
993 subsection (b) of Section 2.26 of this charter is accomplished.

994 **SECTION 7.12.**
995 Existing personnel and officers.

996 Except as specifically provided otherwise by this charter, all personnel and officers of this
997 city and their rights, privileges, and powers shall continue beyond the time this charter takes
998 effect for a period of 90 days before or during which time the existing city council shall pass
999 a transition ordinance detailing the changes in personnel and appointed officers required or
1000 desired and arranging such titles, rights, privileges, and powers as may be required or desired
1001 to allow a reasonable transition.

1002 **SECTION 7.13.**
1003 Pending matters.

1004 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
1005 contracts, and legal or administrative proceedings shall continue and any such ongoing work
1006 or cases shall be completed by such city agencies, personnel, or offices as may be provided
1007 by the city council.

SECTION 7.14.

Construction.

(a) Section captions in this charter are informative only and are not to be considered as a part thereof.

(b) The word "shall" is mandatory and the word "may" is permissive.

(c) The singular shall include the plural, the masculine shall include the feminine, and vice versa.

SECTION 7.15.

Severability.

If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair other parts of this charter unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional, it being the legislative intent in enacting this charter that each article, section, subsection, paragraph, sentence, or part thereof be enacted separately and independent of each other.

SECTION 7.16.

Repealer.

An Act amending, consolidating, and superseding the several Acts incorporating the City of Tennille in the County of Washington, approved August 21, 1906 (Ga. L. 1906, p. 1073), is hereby repealed in its entirety and all amendatory Acts thereto are likewise repealed in their entirety.

SECTION 7.17.

General repealer.

All laws and parts of laws in conflict with this Act are repealed.

1032 APPENDIX A - CITY COUNCIL ELECTION DISTRICTS

1033 (See: SECTION 2.10. City Council Creation; Number; Election Districts.)

1034 DISTRICT ONE

1035 Beginning at a point where the centerline of State Route 15 intersects with the centerline of
1036 County Road 347, known as the Matthews Road and from said beginning point running in
1037 a Westerly direction along the centerline of Matthews Road which is the City Limits of the
1038 City of Tennille to a point where the City Limits of the City of Tennille leave the centerline
1039 of Matthews Road; thence continuing Southwesterly to a point in the center of Judson Street
1040 where City Limits of City of Tennille intersects Judson Street; thence following the
1041 centerline of Judson Street in a Southeasterly direction to a point where the centerline of
1042 Judson Street intersects the centerline of Church Street; thence continuing Easterly to a point
1043 where the centerline of Church Street intersects the centerline of Fargo Street; thence
1044 continuing Southeasterly and Easterly along Fargo Street to a point where the centerline of
1045 Fargo Street intersects the centerline of Smith Street; thence continuing Northerly following
1046 the centerline of Smith Street to a point where the centerline of Smith Street intersects the
1047 centerline of Church Street; thence continuing Easterly along the centerline of Church Street
1048 to a point where the centerline of Church Street intersects the centerline of State Route 15,
1049 known as Main Street; thence continuing Northerly along the centerline of State Route 15
1050 to the point of beginning where the centerline of State Route 15 intersects the centerline of
1051 County Road 347, known as the Matthews Road.

1052 DISTRICT TWO

1053 Beginning at a point where the City Limits of the City of Tennille intersect the centerline of
1054 Judson Street and from said beginning point running Southwesterly to a point on the right
1055 of way of State Route 68 where the City Limits of the City of Tennille follow the right of
1056 way of State Route 68 to a point where said City Limits intersect the centerline of Matthews
1057 Road; thence continuing Northwesterly and Southwesterly around the home of Tom and
1058 Elizabeth Simmons; thence following the City Limits of the City of Tennille along the right
1059 of way of State Route 68 to a point where the City Limits of the City of Tennille leave the
1060 right of way of State Route 68 in order to move Northeasterly, Northwesterly, and
1061 Southwesterly in order to take in the Clubhouse of the Twin City Country Club; thence
1062 returning to the right of way of State Route 68 and continuing in a Northwesterly direction
1063 for approximately 1200 feet to a point where the City Limits of the City of Tennille leave the
1064 right of way of State Route 68; thence continuing Northeasterly, Northwesterly and
1065 Southwesterly in order to take in property of the V.F.W; thence returning to a point where
1066 the Northwesterly most point of the property of the V.F.W. intersects the right of way of

1067 State Route 68 and the City Limits of the City of Tennille; thence continuing Southeasterly
1068 and Easterly along the right of way of State Route 68 to a point 1620 feet, more or less,
1069 Easterly of the centerline of the intersection of Matthews Road and State Route 68; thence
1070 continuing Southwesterly across the right of way of State Route 68 to a point on the Southern
1071 most side of the right of way of State Route 68; thence continuing Northwesterly along the
1072 right of way of State Route 68 to a point where the right of way of State Route 68 intersects
1073 the right of way of Highway S-687; thence continuing in a Southwesterly direction for a
1074 distance of 445 feet along the right of way of Highway S-687; thence Southeasterly,
1075 Northeasterly, Northwesterly and Northeasterly around the properly now or formerly
1076 belonging to C. V. Smith, Sr., known as Oak Lodge; thence Easterly along the right of way
1077 of State Route 68 to a point where the City Limits of the City of Tennille leave the right of
1078 way of State Route 68; thence continuing Southerly and Southeasterly along the City Limits
1079 of the City of Tennille to a point where the City Limits of the City of Tennille intersect the
1080 centerline of the Mainline of the Central of Georgia Railroad, now Southern Railroad; thence
1081 continuing in a Northeasterly direction along the centerline of the Mainline of the Central of
1082 Georgia Railroad to a point in the center of the Mainline of the Central of Georgia Railroad
1083 where the said railroad intersects the City Limits of the City of Tennille; thence continuing
1084 Northerly, Easterly, Northwesterly, Westerly, Northerly and Westerly to a point where the
1085 City Limits of Tennille intersect the centerline of State Route 15, known as Main Street, and
1086 the centerline of Matthews Road; thence continuing Southerly along the centerline of State
1087 Route 15 to a point where the centerline of State Route 15 intersects the centerline of Church
1088 Street; thence continuing Westerly along the centerline of Church Street to a point where the
1089 centerline of Church Street intersects the centerline of Smith Street; thence continuing
1090 Southerly along the centerline of Smith Street to a point where the centerline of Smith Street
1091 intersects the centerline of Fargo Street; thence Westerly and Northwesterly along the
1092 centerline of Fargo Street to a point where the centerline of Fargo Street intersects the
1093 centerline of Church Street; thence continuing Westerly along the centerline of Church Street
1094 to a point where the centerline of Church Street intersects the center of Judson Street; thence
1095 continuing Northwesterly along the centerline of Judson Street to the point of beginning
1096 where Judson Street intersects the City Limits of Tennille.

1097 DISTRICT THREE

1098 Beginning at a point in the center of the Mainline of the Central of Georgia Railroad, now
1099 Southern Railroad, where the Mainline of the Southern Railroad intersects the Western most
1100 portion of the City Limits of the City of Tennille and from said beginning point running
1101 along the City Limits of the City of Tennille in a Southeasterly, Easterly, Northeasterly and
1102 Northerly direction to a point where the City Limits of City of Tennille intersect the

1103 centerline of the Mainline of the Central of Georgia Railroad; thence continuing
1104 Southwesterly along the centerline of the Central of Georgia Railroad to the point of
1105 beginning where the centerline of the Central of Georgia Railroad intersects the City Limits
1106 of the City of Tennille.